

REMARKS

Claims 1-21 are currently pending in the application. No amendment has been made to the claims or specification. Further, no new issues have been raised that need further search and/or consideration, nor any question of new matter.

Accordingly, by the present remarks, Applicant submits that the rejections have been overcome, and respectfully request reconsideration of the outstanding Final Office Action and allowance of the instant application.

Obviousness-type Double Patenting Rejection is Believed Moot

Applicant traverses the Examiner's assertions that claims 1-21 are unpatentable over claims 1-2, 5, 8-10, 13, 20 and 21 of US Patent No. 6,005,534 under the judicially created doctrine of obviousness-type double patenting.

However, in order to expedite the prosecution of the instant application towards allowance, Applicant have submitted, concurrently herewith, an executed Terminal Disclaimer to render the above-noted rejection moot.

By the submission of this Terminal Disclaimer, neither Applicant nor Applicant's assignee is making any representation or admission regarding the propriety of the Examiner's judicially created obviousness type double patenting rejection or of the propriety of any other double patenting rejection in the absence of the submission of this Terminal Disclaimer. As noted above, the Terminal Disclaimer is being submitted merely in order to expedite the prosecution of the present application towards allowance.

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Application is Allowable

Thus, Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. § 102 and § 103, and under the judicially created doctrine of obviousness-type double patenting. Further, Applicant have submitted Terminal Disclaimers to overcome the obviousness type double patenting rejections set forth by the Examiner while at the same time not acquiescing in the propriety of such rejections.

Accordingly, Applicant respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicants' invention, as recited in each of claims 1-21. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
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